IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1182 of 1996

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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MAHESHKUMAR SHANTILAL SHAHUKAR

Versus

GOVINDLAL JINABHAI CHUVALIA

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Appearance:

MR MB GANDHI for Petitioner

NOTICE SERVED for Respondent No. 1

MR ND GOHIL, APP for Respondent No. 2

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 02/05/2000

ORAL JUDGEMENT

1. This is an application by the original accused for quashing the process issued against him in Criminal Case No.4074/94 arising from a complaint filed by respondent no.1 alleging that the present petitioner has committed offences under sections 406, 408, 409 and 420 of IPC. The dispute arose from the fact that the present petitioner is a licenced moneylender with whom the

complainant had lodged certain gold ornaments which were to be redeemed within three months on payment of the stipulated amount borrowed at the time of lodging the said ornaments together with the stipulated rate of interest, etc. According to the complainant the accused did not permit the complainant to redeem the said ornaments although the latter was prepared to pay the necessary amount with interest, etc. and hence the complaint.

2. Much water has flown under the bridge after the filing of the complaint. From the documents on record it appears that the same dispute was taken before the Consumer Disputes Redressal Forum, leading to an appeal before the District Forum being No.39/96, wherein the judgement and order in appeal is on record. It appears that the complainant has succeeded in the appeal and the Forum has directed the present applicant to return the ornaments by accepting Rs.8000/- etc.

3. The earlier interim orders passed in the present application also indicate that as per the learned counsel for the present applicant, the gold ornaments have been handed over to the complainant and therefore no real dispute would now survive. In view of this statement which is reflected in the order passed by R.P. Dholakia J.

complainant-respondent no.1 herein which was made returnable on 24th February 2000. The said notice has been duly served on the said respondent on 17th February 2000, wherein first respondent-original complainant has endorsed the fact that he does not require legal aid or assistance of any lawyer. The respondent no.1 though served is absent. It, therefore, appears that there is no dispute which now survives. Accordingly this application is allowed and the complaint filed in Criminal Case No.4074/94 is hereby quashed and set aside. Rule is made absolute accordingly.

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